

COMMERCIAL COURT  
OF PONTOISE

JUDGEMENT OF 3 APRIL 1998  
6<sup>th</sup> Chamber

BANRUPTCY PROCEEDINGS No. 989252  
CANET, JUDICIAL LIQUIDATOR of COMPUTER WORLD  
vs.  
Mr. GHOLAM ZANDIAN JAZI  
DOCKET No. 97P01370

**PLAINTIFF**

CANET, JUDICIAL LIQUIDATOR of COMPUTER WORLD, 1 RUE DE LA  
CITADELLE 95300 PONTOISE  
appearing through Mr. GAYRAUD, Esq., 24 AVE. DENIS PAPIN  
RESIDENCE DE LA GARE 95400 ARNOUVILLE LES GONESSE

**DEFENDANT**

MR. GHOLAM ZANDIAN JAZI 25 QUAI ANDRE CITROEN  
75015 PARIS

not appearing

**COMPOSITION OF THE COURT**

Decision deemed rendered after argument on both sides in first instance.

Arguments, closing of arguments and set for deliberation at the time of the hearing of 6 MARCH 1998 in Council's Chambers where there sat, Mrs. MUGUET, Presiding Judge, Mr. BREDECHE, Mr. JAGOURY, Judges, assisted by Mr. Pierre Olivier HULIN, Clerk of the hearing.

Deliberated by the same Judges.

Pronounced at the public hearing of 3 APRIL 1998.

The minute of this judgement was signed by the Presiding Judge and by the clerk



*[Handwritten signature]*

*[Initials]*

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By service of process of the SCP [private partnership] DELATTRE-LE MAREC, Court Bailiffs in PARIS, attempted on 28 NOVEMBER 1997, and regularised on 1 DECEMBER 1997, Mr. CANET, acting as liquidator for the judicial liquidation of COMPUTER WORLD, summoned Mr. Gholam Reza JAZI ZANDIAN, born on 15 January 1952 in ISPAHAN (IRAN), an Iranian citizen, residing 25 Quai André Citroën, 75015 PARIS, to have to appear before the Commercial Court of PONTOISE at the hearing of 19 DECEMBER 1997 for the purposes of a ruling against him based on the provisions of Article 181 of the Law of 25 JANUARY 1985;

The proceedings were communicated to the Public Prosecutor;

Following adjournments, the matter was argued at the hearing of 6 MARCH 1998, during which Mr. CANET, Esq., in his official capacity, appearing through Mr. GAYRAUD, Esq., developed the terms of his document instituting proceedings. He recalls that by judgement rendered by this Commercial Court dated 12 JUNE 1992, COMPUTER WORLD, formerly called CEPAT, was admitted to the benefit of reorganisation proceedings.

On 11 JUNE 1993, this reorganisation had been converted into judicial liquidation and Mr. CANET, Esq., appointed to the duties of liquidator and representative of the creditors.

He states that in connection with his duties, he had summoned Mr. ZANDIAN, Chairman and General Manager and 48% shareholder for the purposes of having a pecuniary sanction ordered against him derived from Article 180 of the Law of 25 JANUARY 1985.

Indeed, Mr. ZANDIAN was guilty of a certain number of acts justifying that a sanction be ordered against him for repayment of the company's liabilities out of his own assets [*comblement de passif*].

Following a judgement rendered by the 6<sup>th</sup> Chamber of this Court on 13 JUNE 1997, Mr. CANET, Esq.'s claim was allowed. Mr. ZANDIAN was ordered to personally assume the debts of the company up to the amount of 20,000,000 francs.

He adds that this decision had been duly served by the SCP DELATTRE & LE MAREC, a Partnership of Court Bailiffs in PARIS, on 6 and 8 AUGUST 1997.

This decision which, moreover, was *ipso jure* provisionally enforceable, was not appealed and is therefore final.

He states that, nevertheless, Mr. ZANDIAN did not think it necessary to defer to it or, more accurately, he has not ceased attempting to avoid his obligations.

Mr. CANET, Esq., in his official capacity, consequently prays the Court to open judicial liquidation proceedings against Mr. Gholam JAZI ZANDIAN, with all the consequences thereof and to declare that the court costs shall be included in the judicial liquidation as preferential debts.

Mr. Gholam JAZI ZANDIAN, after being the subject of a report of notification in accordance with the provisions of Article 659 of the [French] New Code of Civil Procedure, did not appear at the hearing, leaving it be presumed thereby that he leaves it up to the Court.

**GROUND:**

Whereas it appears from the exhibits produced as evidence and the explanations of Mr. CANET, Esq., in his official capacity, that Mr. ZANDIAN no longer has any known domicile, residence, nor place of work, that he has not made a personal appearance nor is represented by anyone at the hearing.

Whereas Article 181 of the Law of 25 JANUARY 1985 provides:

«The Court may open judicial reorganisation or liquidation proceedings with regard to managers whose liability for all or part of the liabilities of a legal entity has been recognised and who do not pay such debt.»

Whereas this is indeed the case here.

Whereas the Court considers it appropriate to apply the provisions of the above-mentioned text of law and to open judicial liquidation proceedings against Mr. Gholam JAZI ZANDIAN with all the legal consequences thereof.

[Initials]



The ipso jure provisional enforcement of this decision must be noted.

The costs of this action shall be included in the judicial liquidation as preferential debts.

**ON THESE GROUNDS:**

After having deliberated, the Court,

Considering Article 181 of the Law of 25/01/1985, as amended by the Law of 10/06/1994,

Open judicial liquidation proceedings without any observation period with regard to:

Mr. Gholam Reza JAZI ZANDIAN, born on 15 JANUARY 1952 in ISPAHAN (IRAN), a French<sup>1</sup> citizen, residing 25 Quai André Citroën, PARIS (75015).

Provisionally sets the date of insolvency (*cessation des paiements*) at 3 OCTOBER 1996.

Appoints Mr. TANKERE as Bankruptcy Judge and Mr. LEROY as Alternate Bankruptcy Judge.

Appoints Mr. CANET, Esq., 1 RUE DE LA CITADELLE 93500 PONTOISE, as liquidator.

Grants the creditors a time limit of 2 months as from publication of this judgement in the BODACC [official bulletin of civil and commercial notices] to file their proofs of claim.

Declares that the time limit granted to the judicial liquidator for drawing up the list of creditors is ten months as from expiry of the above time limit set for proofs of claim.

Requests the employees to appoint a representative from within the company under the conditions provided by Article 148-1 of the Law.

Declares that the report of appointment or failure to do so shall be filed forthwith with the Clerk's office, in accordance with Article 15, 2<sup>nd</sup> paragraph of the Decree of 27 December 1985, as amended.

Orders communication of this decision to the authorities cited at Article 19 of the amended Decree of 27/12/85.

Orders the publication of this judgement in accordance with Article 21 of the amended Decree of 27 December 1985 and Article 119 of the Decree of 27 December 1985.

Recalls that provisional enforcement is of right.

Declares that the costs to be recovered by the Clerk's office and set at the sum of 272.67 francs, inclusive of all taxes, shall be included in the judicial liquidation as preferential debts.

The minute of this judgement was signed by the Presiding Judge and the Clerk.

CERTIFIED COPY  
THE CLERK

[signatures]

[Stamp: Commercial Court of Pontoise  
(Val d'Oise)]  
[signature]



<sup>1</sup>Translator's note: it is stated earlier on that he is an Iranian citizen.